

*Before the*  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
Lifeline and Link Up Reform and	)	WC Docket No. 11-42
Modernization	)	
	)	
Federal-State Joint Board on Universal	)	CC Docket No. 96-45
Service	)	
	)	
Lifeline and Link Up	)	WC Docket No. 03-109

**REPLY COMMENTS OF THE NATIONAL HISPANIC MEDIA COALITION**

The National Hispanic Media Coalition (“NHMC”) respectfully submits this reply to comments on the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking (“NPRM”) seeking input on how to improve Lifeline and Link Up so that the programs will enable the poor to access modern telecommunications services that they need while reducing waste and fraud.<sup>1</sup> As folks across the country continue to struggle economically, particularly those in the Latino community, NHMC believes that the importance of Lifeline and Link Up has never been clearer and that both should be inclusive programs in terms of eligibility and services covered. For these reasons, NHMC believes that the Commission should abandon its restrictive proposal to limit Lifeline/Link Up services to one per residential address and, rather, adopt the more inclusive standard of one service per eligible adult or, at the very least, one service per household.

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<sup>1</sup> NHMC is a twenty-five year old non-profit organization that aims to (1) improve the image of American Latinos as portrayed by the media; (2) increase Latino employment in all facets of the media industry; and (3) advocate for media and telecommunications policies that benefit the Latino community. NHMC is online at [www.nhmc.org](http://www.nhmc.org).

Inclusive public assistance programs like Lifeline and Link Up are extremely important to Latinos and low-income communities, especially given the current economic climate. Recent data indicates that the poverty rate for Latinos, which has been traditionally higher than that of the general population, is higher now than it has been in many years. Latinos in the U.S. are facing a poverty crisis, with about one out of every four Latinos living in poverty.<sup>2</sup> In fact, although Latinos only make up about 16 percent of the U.S. population, they account for almost a third of those in poverty.<sup>3</sup> Inclusive Lifeline and Link Up programs combined with strong outreach to the Latino community could do a great deal of good for many people. This is particularly true if the Commission continues to evolve the Lifeline/Link Up programs to cover a wider range of wireless services. Personal wireless devices have the capacity to unlock a world of opportunities. Lifeline and Link Up are essential for those who cannot gain access to these costly services on their own.

In these Reply Comments, the Commission has asked that interested parties comment specifically on immediate reforms to eliminate waste, improving certification and verification of consumer eligibility, and the propriety of the one per residence requirement.<sup>4</sup> In the past, NHMC has commented extensively on inclusiveness and effective outreach for Lifeline and Link Up.<sup>5</sup>

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<sup>2</sup> Angelo Falcón, National Institute For Latino Policy, *Latino Datanote: 2010 Latino Economic Indicators* (2010) available at <http://myemail.constantcontact.com/NiLP-Latino-Datanote--2010-Latino-Economic-Indicators.html?soid=1101040629095&aid=gzDPg6G0u6w>

<sup>3</sup> *Id.*

<sup>4</sup> *In the Matter of Lifeline and Link Up Reform and Modernization, Federal-State Joint Board on Universal Service, Lifeline and Link Up*, WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109, *Notice of Proposed Rulemaking*, 26 FCC Rcd 2770 (2011) (“NPRM”).

<sup>5</sup> In the past, NHMC has advocated for outreach to Latino communities and to the non-English speaking population, discussed the role that state social services agencies could play in this outreach, and highlighted the importance of integrating broadband into the Lifeline/Link Up programs, to combat broadband adoption rates that suffer greatly due to cost. We have also urged the Commission to implement open and flexible enrollment and verification rules, specifically by avoiding additional burdens, rethinking the one per household rule, seriously

In this proceeding, NHMC has discussed methods that would aid in the elimination of waste<sup>6</sup>, and has advocated for simple certification methods that are not burdensome.<sup>7</sup> Therefore, NHMC would like to take this opportunity to refine its position on the proposed one per residence requirement. NHMC's thoughts on this requirement are framed by its desire to make Lifeline and Link Up as inclusive of wireless services as possible. NHMC continues to believe that the Commission should be supportive of wireless services in any rules, as wireless usage continues to grow in volume and importance. The adoption of a one per residence standard would not be conducive to increased support of wireless services and would be unduly restrictive. The inevitable trend towards wireless services, the personal nature of mobile phones, and the large number of poverty-stricken individuals that participate in some type of group-living arrangement, require that the Commission take a much more nuanced approach to eligibility than limiting it to the bright-line rule of one per U.S. postal address.

NHMC believes that a one per eligible adult requirement would help the most people while accommodating coverage for personal mobile phones. Many commenters, including CTIA – The Wireless Association and Benton Foundation, Center For Rural Strategies, Public

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considering some type of automatic enrollment, and increasing the poverty guidelines to 150%. *See* Comments of the National Hispanic Media Coalition, WC Docket No. 03-109 (July 15, 2010) *available at* <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020546103>; Reply Comments of the National Hispanic Media Coalition, Media Action Grassroots Network, Office of Communication, United Church of Christ; Benton Foundation, and Access Humboldt, WC Docket No. 03-109 (July 30, 2010) *available at* <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020652250>.

<sup>6</sup> In our initial comments filed jointly with other members of the Leadership Conference on Civil and Human Rights, we urged the Commission to study other federal benefits programs, such as the Supplemental Nutrition Assistance Program (SNAP), to incorporate the best features of these programs while attempting to increase efficiency and reduce waste. Comments of Members of The Leadership Conference on Civil and Human Rights, WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109 (Apr. 21, 2011) (“LCCR Comments”).

<sup>7</sup> For instance, NHMC has advocated for linking enrollment in Lifeline/Link Up with enrollment in other federal benefit programs to ensure that customers do not have to duplicate efforts. We feel that this small change will do a great deal to increase participation. *Id.*

Knowledge, and United Church Of Christ, Office of Communication recognize that the one per residence proposal may be overly restrictive and out-of-step with the historic implementation of these programs.<sup>8</sup> A diverse group of other commenters, including the Media Action Grassroots Network, AT&T, Consumer Cellular, Budget PrePay, Inc., Great Call, Inc., and PR Wireless, Inc., recognize that a one per eligible adult standard may be necessary given the evolving nature of personal telecommunications services.<sup>9</sup> AT&T goes on to say that, by adopting proposals to increase efficiency and reduce waste, this standard will not increase the size of the program.<sup>10</sup> NHMC agrees with these views.

The proliferation of high-tech mobile phones has created a category of intensely personal devices and services that have become intertwined with many activities in our everyday lives. In the Latino community, use of mobile phones has skyrocketed. In fact, a recent study found that 34.7 percent of Hispanic adults live in a household with only wireless telephones and no landline, compared to 22.7 percent of non-Hispanic white adults and 28.5 percent of non-Hispanic black adults.<sup>11</sup> Also, 39.3 percent of adults living in poverty and 32.9 percent of adults

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<sup>8</sup> Comments of CTIA – The Wireless Association, WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109 at 11-14 (Apr. 21, 2011); Comments of Benton Foundation, Center For Rural Strategies, Public Knowledge And United Church Of Christ, Office of Communication, WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109 at 4 (Apr. 21, 2011)

<sup>9</sup> See Comments of Media Action Grassroots Network, WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109 at 16-19 (Apr. 21, 2011) (“MAG-Net Comments”); Comments of AT&T, WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109 at 19 (Apr. 21, 2011) (“AT&T Comments”). Comments of Consumer Cellular, WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109 at 17-18 (Apr. 21, 2011); Comments of Budget PrePay, Inc., Great Call, Inc., and PR Wireless, Inc., WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109 at 9 (Apr. 21, 2011).

<sup>10</sup> AT&T Comments at 19.

<sup>11</sup> Stephen J. Blumberg, Ph.D., and Julian V. Luke, Center For Disease Control, Division of Health Interview Statistics, National Center for Health Statistics, *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January – June 2010* at 3 (rel. Dec. 21, 2010) available at <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201012.pdf>.

living near poverty subscribe to wireless telephone service as their only telephone service.<sup>12</sup>

Latinos' reliance on mobile phones has, in turn, created some of the most avid users of advanced features of newer phones.<sup>13</sup> Indeed, a recent study found that Latinos used 5 out of 6 categories of advanced features, including text messaging, mobile web, and e-mail, at a greater rate than any other segment of the population.<sup>14</sup> Although landlines are still very important, low-income individuals and people of color see a great value in wireless services.

Latino communities rely on mobile devices for much more than chatting with friends or playing games. Latinos rely on mobile phones as a vital artery to local communities, to do achieve everything from looking for jobs and organizing democratic participation to simply staying in touch with families. In other proceedings, NHMC has commented on the prevalence of mobile devices in communities of color and the ways that many public interest organizations have encouraged and facilitated democratic participation through the use of text messages.<sup>15</sup> For instance, Voto Latino, a national non-partisan organization, uses the Internet and mobile platforms to encourage millions of Latinos to register to vote and engage on social issues. Leading up to the 2008 Presidential Election, Voto Latino launched the "Text2Represent" campaign, which facilitated voter registration and civic discourse amongst Latinos all over the country through the use of text message alerts and reminders.<sup>16</sup> Public interest organizations and

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<sup>12</sup> *Id.*

<sup>13</sup> The Nielsen Company, *A Snapshot Of Hispanic Media Usage In The U.S.* at 3 (2010) available at <http://www.nielsen.com/us/en/insights/reports-downloads/2010/snapshot-of-hispanic-media-usage-in-us.html>.

<sup>14</sup> *Id.*

<sup>15</sup> Comments of Latinos for Internet Freedom and the Media Action Grassroots Network, GN Docket No. 09-191, WC Docket No. 07-52 at 8-9 (October 12, 2010) available at <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020916585>.

<sup>16</sup> Official Statement: Voto Latino Supports Net Neutrality, Jan. 15, 2010, available at <http://www.votolatino.org/internet/2010/01/15/official-statement-voto-latino-net-neutrality/> (last visited Oct. 12, 2010).

civil rights groups have harnessed the power mobile devices to organize communities for justice at various points in recent history, including the 2009 campaign to remove Lou Dobbs from CNN after years of ugly and inaccurate anti-Latino rhetoric,<sup>17</sup> and the major push in opposition to SB-1070, Arizona's draconian anti-Latino legislation.<sup>18</sup>

Even if the Commission decides against implementing a one per eligible adult standard, at the very least the Commission should consider the recommendation of NHMC's initial comments and adopt a one per household requirement rather than one per residential address.<sup>19</sup> As the Commission discussed in the NPRM, the slight change in wording could make a significant difference as multiple households often reside at the same address. NHMC identified this issue and explained why a one per household rule would be preferable to a one per residential address requirement, and more consistent with past FCC guidelines.<sup>20</sup> If the Commission determines that the one per household standard is appropriate, the Commission should adopt the definition proposed in our initial comments of "any individual or group of individuals who are living together as one economic unit."<sup>21</sup> If the Commission determines that it should move forward with the one per residential address framework, it will run into many of the issues highlighted in the NPRM concerning different types of residences, including group homes and Tribal communities.<sup>22</sup> For this reason, NHMC urges that the Commission abandon its proposal of one benefit per residential address and adopt nothing more restrictive than the traditional standard of one per household.

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<sup>17</sup> Basta Dobbs: Home, *available at* <http://www.bastadobbs.com/> (last visited Oct. 12, 2010).

<sup>18</sup> Roberto Lovato, Editorial, *Latino Freedom is Internet Freedom*, THE HUFFINGTON POST, Aug. 30, 2010, *available at* [http://www.huffingtonpost.com/roberto-lovato/latino-freedom-is-interne\\_b\\_699112.html](http://www.huffingtonpost.com/roberto-lovato/latino-freedom-is-interne_b_699112.html) (last visited Oct. 12, 2010).

<sup>19</sup> LCCR Comments at 8.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> NPRM at ¶ 111-125.

## CONCLUSION

For the foregoing reasons, NHMC urges the Commission to abandon its proposal of limiting the Lifeline and Link Up programs to one service per residential address. We believe that a more nuanced standard would be better equipped to handle many different situations in which multiple individuals and households share a single address, while also creating a better foundation for providing modern services, such as mobile phones. We urge the Commission to adopt a one per eligible adult standard or, in the alternative, use a one per household standard and adopt the definition of “household” that we put forth in our initial comments.

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Respectfully Submitted,



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